

WESTERN DISTRICT OF NORTH CAROLINA

SHELBY DIVISION

FILED
U.S. Bankruptcy Court
Western District of NC

APR 22 2025

Christine F. Winchester, Clerk
Charlotte Division

In re:) Case No: 25-40054
)
Michael Justin Scott,) Chapter 7
)
Debtor) DEBTOR'S OPPOSITION TO MOTION TO DISMISS
)

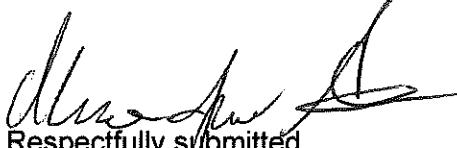
DEBTOR'S OPPOSITION TO MOTION TO DISMISS

Debtor, Michael Justin Scott, respectfully submits this opposition to the Trustee's Motion to Dismiss based on **11 U.S.C. §109(h)**, and requests that the Court deny the motion in the interest of equity and fairness. In support thereof, Debtor states:

1. Debtor filed a voluntary petition under Chapter 7 of the Bankruptcy Code on March 10th 2025.
2. The Office of the Bankruptcy Administrator for the Western District of North Carolina seeks dismissal of the case pursuant to **11 U.S.C. §109(h)(1)** for failure to complete an approved credit counseling course within the 180-day period preceding the petition date.
3. Due to confusion over course related email stating that payment was the remaining factor for the certificate completion. Debtor completed the required credit counseling course shortly after filing — on March 18th 2025, just 8 days after the petition was filed.
4. Debtor acted in good faith in seeking bankruptcy relief and did not intentionally disregard the requirements of the Bankruptcy Code. The delay in completing the credit counseling course was not the result of bad faith or an attempt to abuse the bankruptcy process.
5. Debtor respectfully requests that this Court, pursuant to its equitable powers under **11 U.S.C. §105(a)**, excuse the timing of the counseling requirement in this particular case to prevent undue hardship and to allow the Debtor's case to proceed on the merits. Debtor has fulfilled all obligations including the administration of the 341 meeting.
6. Debtor has now filed the certificate of completion with the Court, and is otherwise in full compliance with the requirements of the Bankruptcy Code.

WHEREFORE, Debtor respectfully requests that this Court deny the Motion to Dismiss and permit the Chapter 7 case to proceed in the interest of justice and equity.

Dated: April 19th, 2024


Respectfully submitted,
Signature: /s/ Michael Justin Scott
Michael Justin Scott
Pro Se Debtor
3008 Spinner Ct, Denver, NC 28037
(704) 794-5035
jscott3201@gmail.com



Justin Scott <jscott3201@gmail.com>

Abacus Credit Counseling: Your Abacus Credit Counseling Course

Abacus Credit Counseling <customerservice@abacuscc.org>
To: jscott3201@gmail.com

Sat, Mar 1, 2025 at 5:00 PM

Hello Michael,

Thank you for choosing Abacus Credit Counseling as your pre-bankruptcy credit counseling course. You are receiving this email as a courtesy because you are nearly finished with the course, but have not yet paid to get a certificate.

To return to your course and make payment, please click on the following link:

https://www.abacuscc.org/en/resume_course.php?reminder=1&id=1434795&firstname=Michael&lastname=Scott

As a reminder, your login information is:

First Name: Michael

Last Name: Scott

Once you complete the course, you will receive a certificate of completion to file as part of your bankruptcy case. If you need any help along the way, please feel free to respond to this email or chat with our counselors by selecting the "Start Chat" option on our website or by calling us toll-free at (800) 516-3834.

We're open 24/7 to help you.

Sincerely,

Abacus Credit Counseling

Email: customerservice@abacuscc.org

Toll-free: (800) 516-3834

<https://www.abacuscc.org>

info [Automated], 18 Mar. 2025, 10:54am

Thank you for choosing to chat with us. An agent will be with you shortly.

info [Automated], 18 Mar. 2025, 10:54am

You are now chatting with Tania.

Tania, 18 Mar. 2025, 10:54am

Hello! You have reached the end of your credit counseling course, and I will be assisting you for the rest of the time. There are a few things that we need to review, and then I will issue your certificate showing you completed the course.

Tania, 18 Mar. 2025, 10:54am

First, could you please verify your name for me?

Michael Scott, 18 Mar. 2025, 10:54am

Michael Scott

Tania, 18 Mar. 2025, 10:54am

Thank you. Could you verify the last 4 of your Social Security number?

Michael Scott, 18 Mar. 2025, 10:54am

3733

Tania, 18 Mar. 2025, 10:55am

Thank you. When you registered for the course, you answered a security question. Could you provide me with your answer to that question again? The question was: "What is your favorite sports team?"

Michael Scott, 18 Mar. 2025, 10:55am

tarheels

Tania, 18 Mar. 2025, 10:55am

Thank you. My records show that you did not provide information for a bankruptcy lawyer. Are you working with a lawyer?

Michael Scott, 18 Mar. 2025, 10:55am

I'm doing my filing Pro Se

Tania, 18 Mar. 2025, 10:56am

We are almost finished with your counseling course. Before I send your certificate, do you have any other questions?

Michael Scott, 18 Mar. 2025, 10:56am

Not at this time

Tania, 18 Mar. 2025, 10:56am

Thank you for your time! One moment please...

Tania, 18 Mar. 2025, 10:56am

This concludes your counseling session. Your certificate was sent to the emails and/or fax numbers you provided, as well as a copy of the written analysis provided in the course. You can view and print your certificate now by clicking this link:

[http://www.abacuscc.org/en/abacus_certificate.php](Link:http://www.abacuscc.org/en/abacus_certificate.php)

Tania, 18 Mar. 2025, 10:56am

Is there anything else I can help you with?

Michael Scott, 18 Mar. 2025, 10:56am

Not at this time. Thanks!

Tania, 18 Mar. 2025, 10:56am

Thank you for choosing Abacus Credit Counseling. Have a great rest of your day!

info [Automated], 18 Mar. 2025, 10:56am

Thank you for chatting with us.